

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

TRACEY K. STOLL-MINER,

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

No. C11-0037

**RULING ON MOTION FOR
REMAND**

This matter comes before the Court on the Motion for Remand (docket number 9) filed by the Commissioner of Social Security on June 28, 2011. Pursuant to 42 U.S.C. § 405(g):

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action[.] . . .

Id. Unlike a sentence four remand which “terminates the court’s jurisdiction,” a “remand under sentence six does not.” *Travis v. Astrue*, 477 F.3d 1037, 1039 (8th Cir. 2007) (citation omitted). “Under sentence six, ‘the district court does not affirm, modify, or reverse the [Commissioner’s] decision; it does not rule in any way as to the correctness of the administrative determination.’” *Id.* at 1039-40 (quoting *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991)). A sentence six remand is authorized in only two limited situations: “(1) where the Commissioner requests a remand before answering the complaint seeking reversal of an administrative ruling, or (2) where new and material evidence is adduced that was for good cause not presented during the administrative proceedings.” *Buckner v. Apfel*, 213 F.3d 1006, 1010 (8th Cir. 2000) (citations omitted).

Here, the Court is presented with situation one. The Commissioner requests a pre-answer remand for purposes of completing the certified administrative record. Specifically, the Commissioner asserts that:

The preparation of the certified administrative transcript has been delayed due to a backlog in the preparation of the transcript of the administrative hearing due to renewal of the contract with the provider of the transcription service.


See Commissioner's Memorandum in Support of Renewed Motion for Remand (docket number 9-1) at 2. Plaintiff does not object to the Commissioner's motion. The Court finds that good cause has been shown for the Commissioner's Motion for Remand pursuant to sentence six of 42 U.S.C. § 405(g). Accordingly, the Court remands this matter to the Commissioner under sentence six of 42 U.S.C. § 405(g), for expeditious completion of the certified administrative record.

ORDER

For the foregoing reasons, it is hereby **ORDERED**:

1. This matter is **REMANDED** to the Commissioner of Social Security pursuant to sentence six of 42 U.S.C. § 405(g), as discussed herein.
2. Not later than **October 28, 2011**, if the Commissioner has not filed the administrative record in this matter, the Commissioner must file a Status Report.

DATED this 28th day of June, 2011.



JON STUART SCOLES
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA